

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN, DIVISION

SUSAN RUSS WALKER, U. S. MAGISTRATE JUDGE, PRESIDING
MONTGOMERY, ALABAMA

DATE COMMENCED: February 22, 2007 9:15 a.m.
DATE COMPLETED: February 22, 2007 12:30 p.m.

UNITED STATES OF AMERICA *
vs * 2:06cr271-WKW
PRESTON GRICE *
COREY HARVEY *

GOVERNMENT	<u>APPEARANCES:</u>	DEFENDANT
	*	
Susan Redmond	* Donald Madison (Grice)	
	* Bruce Maddox (Harvey)	
	*	

COURT OFFICIALS PRESENT:

Joyce Taylor, Courtroom Deputy
Mitchell Reisner, Court Reporter

PROCEEDINGS:

HEARING ON DEFENDANTS' MOTIONS TO SUPPRESS (DOC #23 & DOC #26)

9:15 a.m. Court convenes.
Court's discussions with defendant Preston Grice regarding why he was late for court.
Mr. Grice states he did not know which courtroom and apologizes to the court for being late.
Court's discussions with counsel regarding issues in motions to suppress.
Government's stipulation to admit Government Exhibits 1 and 2.
Mr. Madison and Mr. Maddox have no objections to these exhibits being admitted.
Court admits Government's Exhibits 1 and 2.

9:18 a.m. Testimony begins.
Government's direct examination. (Steelman)
Mr. Madison and Mr. Maddox's objections.

9:30 a.m. Court's questions to Ms. Redmond.

CONTINUATION OF PROCEEDINGS:

Ms. Redmond's response.

9:33 a.m. Government moves to admit Government's Exhibits 3 and 4.
Court admits Government's Exhibits 3 and 4 subject to defendants objections.

9:34 a.m. Mr. Madison's statements to the court regarding suppressing statements.
Court's responses.

9:37 a.m. Government's direct examination resumes. (Steelman)

9:44 a.m. Court's questions to witness. (Steelman)

9:48 a.m. Mr. Madison's statements to the court regarding defendant Preston Grice's standing to attack search warrant.

9:50 a.m. Mr. Maddox's statements to the court regarding defendant Corey Harvey's standing to attack search warrant.

9:51 a.m. Government has no objections to Mr. Harvey's standing regarding search warrant but has objection to Mr. Price's standing regarding search warrant.
Mr. Madison's response.
Government maintains their objection - Do not object to Mr. Harvey's standing.

9:52 a.m. Mr. Madison's discussions regarding exhibits.
Mr. Madison moves to admit Defendant Grice's Exhibits 1 and 2
Government has no objections to Grice Exhibit 1 and Exhibit 2

9:55 a.m. Court admits Grice Exhibits 1 and 2.

9:56 a.m. Parties have no objections to court considering previous testimony in this case.

9:57 a.m. Government has no objection to Grice Exhibit 3.
Court admits Grice Exhibit 3

9:58 a.m. Mr. Madison's cross examination. (Steelman)

10:23 a.m. Court's questions to witness. (Steelman)

10:24 a.m. Mr. Madison's cross examination continues. (Steelman)

10:30 a.m. - 10:50 a.m. BREAK (20 min)

10:50 a.m. Mr. Maddox wants to correct a matter in his motion to suppress by striking Paragraph #4 - Factual Background.
Government has no objections.
Court will strike Paragraph #4.
Mr. Maddox states he wants to adopt the Rule 41 matter.
Court advises Mr. Maddox that he cannot adopt the Rule 41 if it is not in his motion to suppress.

10:51 a.m. Mr. Maddox's cross examination. (Steelman)

11:00 a.m. Court's questions to Mr. Maddox regarding search warrant.

11:01 a.m. Mr. Maddox's cross examination continues. (Steelman)

11:04 a.m. Government's re-direct examination. (Steelman)

11:09 a.m. Mr. Madison's re-cross examination. (Steelman)

11:10 a.m. Mr. Maddox's re-cross examination. (Steelman)

11:12 a.m. Government's direct examination. (Caviness)

11:16 a.m. Mr. Madison's cross examination. (Caviness)

11:29 a.m. Government's direct examination. (Hamil)

11:35 a.m. Court's questions to witness. (Hamil)

11:37 a.m. Mr. Madison's cross examination. (Hamil)

11:52 a.m. Government's direct examination. (Thompson)

CONTINUATION OF PROCEEDINGS:

11:58 a.m. Mr. Madison's cross examination. (Thompson)

12:03 p.m. Court's questions to witness. (Thompson)
Court's questions to defendants counsel as to what statements they seek to suppress -
who made statement and what was the statement.

12:05 p.m. Mr. Madison's response.
Government's response as to basis contents of statements.

12:07 p.m. Mr. Madison's response.
Court's further statements and discussions with Mr. Madison regarding statements to be
suppressed.

12:09 p.m. Mr. Madison's cross examination continues. (Thompson)

12:23 p.m. Government moves to admit Exhibit 5 without objections from defense counsel.
Court's admits Government's Exhibit 5.

12:24 p.m. Mr. Maddox's cross examination. (Thompson)

12:26 p.m. Government rests.
Government moves to admit Government's Exhibit 7. Defense counsel have no
objections.
Court admits Government's Exhibit 7.
Government moves to admit Government's Exhibit 8. Defense counsel have no
objections.
Court admits Government's Exhibit 8.

12:28 p.m. Mr. Maddox states there will be no witnesses for defendant Harvey.

12:30 p.m. Defendants' rest.

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MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA

*

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VS.

*

2:06cr271-WKW

*

PRESTON GRICE

*

COREY HARVEY

*

WITNESS LIST

GOVERNMENT

DEFENDANT

1. Robert Steelman
2. Lt. R. W. Caviness
3. William Hamil
4. Thomas Neil Thompson

UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA

GOVERNMENT'S EXHIBIT LIST

V.

PRESTON GRICE; COREY HARVEY

Case Number: 2:06cr271-WKW

PRESIDING JUDGE SUSAN RUSS WALKER					GOVERNMENT'S ATTORNEY SUSAN REDMOND	DEFENDANT'S ATTORNEY DON MADISON/BRUCE MADDOX
TRIAL DATE (S) FEBRUARY 22, 2007					COURT REPORTER MITCHELL RESINER	COURTROOM DEPUTY JOYCE TAYLOR
GOV NO	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1		2/22/07		Yes	Affidavit in support of anytime search warranty & attached search warrant	
2		2/22/07		Yes	MPD Evidence Log	
3		2/22/07		Yes	Opinion in 2:05cr300-MHT (Doc. #57)	
4		2/22/07		Yes	Court's Order 2:05cr300-MHT (Doc. #58)	
5		2/22/07		Yes	Statement of Corey Harvey	
7		2/22/07		Yes	Mock-up of house at 589 Holcombe Street	
8		2/22/07		Yes	Transcript	
					EXHIBIT IN SEPARATE FOLDER WITH COURT FILE	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

ALABAMA

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